

1199 Wage and Hour Arbitration Distribution FAQs

1. Why did 1199SEIU file a grievance about wages and what was the arbitration about?

In 2019, 1199 filed a class action grievance against forty-two home care agencies on behalf of current and former bargaining unit members represented by 1199. The grievance was filed because 1199 believed that employers violated their CBAs and state and federal wage and hour laws by not always paying for interruptions to sleep and meal times on 24-hour cases, not paying overtime under federal law between January 2015 and October 2015, and not paying travel time prior to 2015. Under the CBA, the grievance proceeded to mediation and then arbitration. Pursuant to the CBA, the Arbitrator had to apply state and federal law.

In February 2022, the Arbitrator issued an Award finding that all forty-two employers had violated various laws to some extent and provided for the creation of a Special Wage Fund to be funded by the employers.

If you have general questions about the arbitration, see the prior FAQs [here](#).

2. Who will receive a check?

Current and former home care workers who worked for one of the following 42 agencies and who submitted a timely claim form to Arden Claims will receive a check.

ABC Health Service Registry, AccentCare of NY, Inc., Alliance for Health, Alliance Home Services, Azor Home Care, Bronx Jewish Community Council Home Attendant Services, Bushwick Stuyvesant Heights Home Attendant, CABS Home Care, Care at Home, Chinese-American Planning Council Home Attendant Program, Inc., CIDNY, Cooperative Home Care, Family Home Care Services of Brooklyn and Queens, FEGS Home Care, First Chinese Presbyterian CAHA, Home Care Services For Independent Living, Home Health Management, New York Foundation for Senior Citizens Home Attendant, Partners in Care, Personal Touch Home Care of N.Y., Personal Touch Home Care of Long Island, Personal Touch Home Care of Westchester, People Care, Inc., Premier Home Health Care, Prestige Home Attendant d/b/a All Season, Prestige Home Care, Priority Home Care, PSC Community Services, Inc., RAIN Home Attendant Services, Inc., Region Care, Richmond Home Needs, RiseBoro Homecare, Inc., Riverspring Licensed Home Care Agency, Rockaway Home Attendant, Saint Nicholas Human Support Corp., School Settlement Home Attendant Corp., Special Touch Home Care Services, Inc., Stella Orton Home Care, Sunnyside Home Care Project, Sunnyside Citywide Home Care, United Jewish Council of the East Side Home Attendant Services, Wartburg – No Place Like Home Care

3. Where will checks mail?

Checks will be mailed to the address you provided on your claim form (or an updated address if you provided one to Arden Claims).

4. I moved since I submitted a claim form. Do I need to update my address?

Yes, you must update your address with Arden Claims by calling them at 866-226-2425 or emailing them your address at hhca1199info@ardenclaims.com.

5. How was my check amount determined?

Your check amount was determined by the formula established by the Arbitrator.

The formula is based on the number of hours you worked and the number of 24-hour shifts you worked.

The majority of the money in the Special Wage Fund will be distributed to workers who worked on 24-hour or live-in shifts.

The workers who received larger amounts worked 24-hour shifts. Workers who received the minimum payment of \$10 worked few hours during the time period.

6. Why did I get more than one check?

If you worked for more than one 1199 agency that is covered by the Arbitration, you will get a check for each agency you worked for.

7. Will my check be taxed?

Yes. All income is taxable.

You will receive a paystub with your check that shows what taxes have been taken out.

8. Why didn't I get more money?

The amount you received was determined by the formula that the Arbitrator ordered.

Approximately, \$34 million in total was distributed to approximately 57,000 current and former home care employees at 42 1199-represented agencies.

Of the total, approximately \$20 million went to workers who worked on 24-hour cases, who represent 5-7% of workers. Approximately \$14 million was distributed to all 57,000 workers who filed claims, including those who worked 24-hour shifts.

9. How much money are people getting?

Check amounts vary because the amount you receive is based on the number of hours you worked and the number of 24-hour shifts you worked.

The biggest checks are approximately \$18,000. The minimum check is \$10.

10. Why did I get only \$10?

If you received the minimum payment of \$10, you worked less than approximately 300 hours during the period covered.

11. I still have questions about the check I received.

Please call the home care hotline at 212-857-4306 and leave your name, telephone number, and agency. Someone will return your call to answer your questions.

12. I have more questions about how the Special Wage Fund was created or the Union's arbitration case.

Your question is likely answered in the first set of Frequently Asked Questions [here](#). If you don't see an answer to your question [there](#), please call your organizer or the home care hotline for assistance at 212-857-4306.

Remember to leave your name, telephone number, and agency where you work/ed and someone will return your call.

13. What do I do if I haven't received my check by April 30, 2023?

Checks will start to be mailed by Arden Claims on April 10, 2023. The mailing will take several days, so it may take up to 10 days for you to receive your check. If you have not received your check, please do not call Arden before April 30, 2023.